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The Middle of Every- where: Sacred Sites in the American West

Deb Liggett

Within days of putting on a ranger uniform I aspired to be a park superintendent. Some sixteen years later, the new “lady superintendent” would take the helm at Devils Tower National Monument, the nation’s first national monument. To me, it felt like a long time coming, but in fact, it was a respectable timetable in National Park Service meanderings.

My delight in my promotion was leavened by reality. In the first two weeks on the job, someone asked how old I was (39), another how long I planned to stay (three to five years), and the natural history association board president put his hand on my knee under the table at my first board meeting. Shifting my knee out of reach with some vehemence, I promised myself that if the hand-on-knee thing happened again I would make it a public occasion.

Then, in what had to be some kind of an agency record, it took me only eighteen months to get my ass sued. My ass, the regional director’s ass, the director of the National Park Service’s ass and Secretary of Interior Bruce Babbitt’s ass. Furthermore, in one 24-hour period, in the Letters to the Editor section of the *Casper Star-Tribune*, I traversed the entire political spectrum from a “jack-booted thug” to a “commie pinko.” I remain inordinately proud of both accomplishments. There is something particularly satisfying about getting taken to court and vilified over doing the right thing.



Devils Tower, an 867-foot monolith, is an iconic western landmark. This small Wyoming park on the northwestern edge of the Black Hills was established in 1906 as a scientific wonder. The movie *Close Encounters of the Third Kind* made the tower infamous, and half-a-million vacationers visit the monument each year—or as I boasted to my peers, “more people than Wyoming has cows.” (This was hyperbole. Wyoming has twice as many head of cattle.) The tower is sacred to American Indians, and since the 1970s the cracked, granite

tower has gained a reputation as a recreational climbing mecca.

Before my arrival at Devils Tower, the crystal ball in the Washington office of the National Park Service divined problems in parks that hosted climbing: conflicts with birds of prey, hordes of mountaineers, parks under siege from climbers leaving unsightly colored chalk and engaging in a technique called “gardening” (handholds and footholds carved out by climbers), and most alarming, the use of electric drills that allowed an individual climber to post a fixed route with pitons and bolts on a whim.

Parks were charged to develop plans to deal with the nascent issues—a directive really designed for places like Denali, Yosemite and Joshua Tree. Devils Tower faced these challenges, but the major issue at the tower was distinct within the service. *High Country News* would later headline the issue as, “The Sacred and Profane Collide in the West.” A fundamental conflict in world views fueled the debate—sacred sites versus recreation.

The Tower holds importance to more than twenty Plains tribes and often predominates in their cultural stories, but for years the only Indian story told at the tower was about Indian children playing in the forest and being chased by a bear. The children jumped on a log and the log began to rise into the sky. The grizzly pursued the children and pawed at the log, now turned to stone, and created the claw marks (cracks). In some stories the children jump into the sky and become stars. Told by rangers with all the import of a Paul Bunyan story, the telling lacked depth. The story of the bear and the children or some variation is present in the oral traditions of many tribes, but to at least three tribes the Tower is part of their origin story—a central and defining role of who they are as a people. The bundle of Sacred Arrows (knowledge) was handed down to the Cheyenne at the Tower. These sacred narratives define not just the past but also guide a contemporary people. To American Indians people climbing on the tower is a sacrilege, the equivalent of climbing on an altar in the Vatican or posting a fixed route across the ceiling of the Sistine Chapel.

The local ranching community regarded the tower with some pride and picnicked, celebrated family reunions and wedded in its shadow. The business community viewed it as a cash cow. The climbing community embraced the traditional crack climbing and climbers from all over the world come for the sport. The National Park Service had administered the tower as a natural and recreational feature giving short shrift to cultural resources and history. Hindsight is 20-20.



Approaching the granite monolith, visitors see the Belle Fourche river valley lined with cottonwoods. A short road rises to the base of the tower. A 1930s era Civilian Conservation Corps log visitor center rests in a conifer forest. Early and late in the day the vanilla scent of ponderosa pine suffuses

the air. To me, as a child of the Front Range of the Rocky Mountains, it always smelled like home. A paved, mile-long path circumnavigates the tower. It is easy to feel reverence. Yet, this small pocket tucked away in a little-populated corner of the West would rise to national prominence. I would tell my staff in some amazement, "Some days we're the lightning rod, some days we're the poster child."

My predecessor had toiled to squeeze funds from the NPS regional office and established a working group to tackle the issues. Representatives from the local climbing club, the Access Fund (a national climbing organization), an American Indian who was part of a coalition on sacred sites, a Lakota (Sioux) elder, the Sierra Club, and a local county commissioner formed the group. What could go wrong?

At the first meeting, climbers who were not on the working group showed up and harassed the American Indian members. At the second meeting other American Indians attended and berated the climbers. Tit for tat. Then a minor miracle. In a less public venue, both climbers and Indians, embarrassed by the behavior of their compatriots (and in their absence), began to talk and share what was important to them.

Why was no climbing allowed on Mount Rushmore, a presidential shrine? To the ironic and gallows-humor amusement of Indian people, climbing is permitted on the "backside" of Mount Rushmore. A raptor closure could be legal for birds of prey, but then questioned for American Indian beliefs? How was bolting a climbing route any different from someone independently hacking out a trail? How was leaving bolts and webbing any less unsightly than leaving prayer bundles? These were hard questions and not all the inequities were ours to resolve. But conversation became possible and respect developed within the group.

At the last meeting I was the new kid in charge. By then the group had sorted through the problem areas. One fly in the ointment remained—the name of the monument. American Indians were angered by the disrespectful nature of the name and wanted to solve this issue under the auspices of the climbing plan.

In my first executive decision I swallowed hard and explained that the name of the monument was beyond the scope of a climbing management plan but promised to pursue the issue later.

My staff and I locked ourselves away and in between budget calls, seasonal hiring and the usual frenzy of park business crafted a plan and put it out for public comment. The plan laid out a range of solutions but the preferred approach called for an array of mostly benign ideas like raptor closures, clean climbing guidelines and a cross-cultural education program. Of note (DRUM ROLL PLEASE), the plan called for a voluntary closure to climbing on the tower during June, a time period of special significance to Northern Plains tribes.

Our US Justice Department attorneys believed the park service could enforce a required closure as a reasonable accommodation of Indian religious practices, but in a surprise response the American Indian elders in the work group posited another path. Talks among the elders in the tribes advocated for a voluntary closure as a “gesture of respect.” Each climber would make a personal choice.

A voluntary gesture was deemed more valuable than one imposed by the government.

The letters, comments, diatribes, rants and philosophical treatises poured in. Some were thoughtful, incisive and problem-solving; some supportive, some opposed; some offensive, some on point, some rambling. And of course, the requisite number of wing-nuts wrote, too. This is what a public comment period looks like to an agency official. The mail provided our daily entertainment.

When my chief ranger or chief of resources would roll their eyes at a letter I would tell them, “We could go back to the bad old days where we sat in the superintendent’s office, smoked cigars, drank bourbon and invented a plan that only WE wanted. You know, the days when only certain people got a seat at the poker table in the backroom. And if you can’t get a seat at the table you don’t get to play.” They were long suffering. They endured my philosophizing and buckled down.

Printed and mailed to everyone and their brother, the final plan was done. Within a few short weeks a lawsuit was filed contesting the voluntary closure. *Bear Lodge Multiple Use Association v. Babbitt* asserted that the park service had overstepped its bounds and was establishing a government-endorsed religion by virtue of endorsing a voluntary closure to climbing. The lawsuit also alleged damage to a local climbing guide’s business.

Mountain States Legal Foundation, a western non-profit whose hobby is suing the federal government, specifically land management agencies, supported the suit. The foundation is former Interior Secretary James Watt’s old outfit and this type of legal wrangle is their bread and butter. Bear Lodge Multiple Use Association was the local cabal of the Sagebrush Rebellion, the western anti-federalist gang.

It was heady stuff. A First Amendment lawsuit. And on the side of the angels.

But things got ugly.

A former superintendent’s wife authored a letter to the editor in which she complained that allowing Indian people to leave prayer bundles in the monument was leaving trash... Indians were dirty... The Indians were never seen at the Tower before, etc. A local climbing guide, the primary plaintiff in the lawsuit, wrote a letter demanding that I control “my Indians,” disgruntled that I had okayed an Indian encampment and Sun Dance. Earlier in the saga, this guide had collected prayer bundles near the Tower and tossed them on the

table at a local climbing club meeting—an action that caused the club to shirk in shame.

Not long after these blips on the radar, the chief ranger came into my office and closed the door. A truism among park superintendents is that if your chief ranger comes in and closes the door you are about to hear something you don't want to know. On this occasion he reported that the local bar talk called for "roughing her up or running her off the road."

Some of this commotion was just a reprise of events two decades earlier. After the American Indian Religious Freedom Act was passed in 1978, a group of Lakota from Pine Ridge, in an assertion of their desire to be recognized, showed up at the Tower and set up a semi-permanent camp. Tipis sprouted. They cut down willows for a sweat lodge and demanded that they be allowed to take a deer. Part of the national wave of Indian activism at this time, this turn of events put the National Park Service and the local community in a tizzy. The park closed. An NPS law enforcement team rushed in. Negotiations ensued. The sweat lodge was permitted but the killing of a deer was not. At some point, a local cowboy got liquored up and shot into the encampment, killing a 55-gallon drum. Everyone scared themselves and things wound down. Over time the whirlwind morphed into a very staid Sun Dance held every June.

The bar talk was not unexpected. It was just talk. I took some precautions but I was pretty sure my neighbors would still stop to change a tire, pull me out of a ditch, or help if I broke down on the side of the road. My Mandan colleague at Little Bighorn had been spat on and received death threats. Another nearby superintendent, part of an interracial marriage, suffered men in pickup trucks lurking menacingly outside his home to intimidate his wife. I kept my local sheriff and the county commissioners informed. My staff looked out for me, and I for them.

American Indians tell of a time in the past when the "two-legged, the four-legged and the winged" all spoke the same language. All living beings could communicate with one another. I told my staff that we were just hoping to get the "two-legged" and the "two-legged" to speak with one another.

Devils Tower flashed in the national media. It was a First Amendment knock down drag-out. *The Denver Post*, *Rocky Mountain News*, *Los Angeles Times*, *Rapid City Journal*, *Philadelphia Enquirer*, *Washington Post*, *San Francisco Chronicle*, *Indian Country Today*, *National Public Radio*. The list went on. What was the government's responsibility? Were we establishing a religion or allowing the free expression of religion? Harry Smith, on *CBS Good Morning*, commented about the controversy "in the middle of nowhere." I chided him, saying lovingly, "the middle of everywhere."

To outsiders it might have appeared that we were fighting a skirmish somewhere off in the hinterlands but nothing could have been further from the truth. Colleagues in the regional and Washington offices bolstered me. A

mentor from Grand Canyon sent a note reminding me that “you do not fight your battle alone.” The Cheyenne River Sioux stood at our side in court. The Native American Rights Fund, the Group of Concerned Scientists, the Medicine Wheel Coalition of Sacred Sites, the Standing Rock Sioux, the Northern Arapahoe, Sissetonwahpeton Sioux, National Congress of American Indians, the Baptists, the Catholics, the Presbyterians, the Jews, the Friends, the Seventh-Day Adventists, the Becket Fund for Religious Liberty and others filed *amici curiae* Friend of the Court briefs on our behalf. My boss dispatched a note saying, “We support you more than you can ever know.”

But it wasn't just the lawsuit. Part of the uproar was the monument name. Making good on our commitment to the Indian community, I was escorting a group to Salt Lake City to present an educational panel to the US Board of Geographic Names. The local mayor, my chief of resources and someone from the Indian community would speak. We were floating the idea that the name of the geographic feature could be changed to *Mato Tipila* or Bear's Lodge or Tipi (the name on some early maps) while the name of the monument would stay the same, an inclusive strategy that had been employed elsewhere. In Alaska's Denali National Park, the peak until recently was named Mt. McKinley and the park itself retained the aboriginal name. Officially (and respectfully) the peak now also bears the aboriginal name, Denali.

The more the mayor of Hulet, our nearest local community, thought about things the angrier she became and she petitioned my boss for my removal. In a nutshell she gripped that I was doing revisionist history, wasting taxpayer dollars and giving the Indians special treatment. “I am sure the name change would be a big feather in her bonnet. [A hilarious metaphor under the circumstances.] She is very smooth and extremely good at what she does.” Also “This was only the tip of the iceberg.” In reply my boss suggested that what the mayor was observing was simply American Indians being more assertive than in the past. “In any event we are entirely satisfied with Superintendent Liggett's performance of her duties and intend to continue her tour until its normal completion.”

Part of the hoohah was the timing of a recent executive order. President Bill Clinton had just signed an Executive Order on Sacred Sites, an effort to bolster the American Indian Religious Freedom Act (1978), which contained no penalties for failure to act. The law was a nice policy statement but really nothing more. The rumor mill claimed I had authored the new executive order. At the same time, I starred in a cartoon that was both racist and sexist in the local *posse comitatus* newspaper, the black helicopter, anti-United Nations rag that was printed periodically. The cartoon showed me in bed with an Indian, the Tower visible out the window, a motto on the wall declaring Your Tax Dollars at Work. I was depicted saying, “What shall we name it honey?”

My staff and I had devoted months to listening, listening, listening. There were terrible ironies, inequities and hard questions but ultimately the upshot didn't seem so difficult to me. In the middle of the whirlwind I penned an opinion piece published in *The Rapid City Journal*:

I laughingly tell that as a small child I was dragged through every mission church in the American Southwest. My mother denies this story. I go on to tell how she would dig in her purse for a wadded handkerchief or tissue and place it on my (then) blonde hair. She denies this account. But she smiles. At that time, I couldn't understand how little girls with tissue on their heads were being respectful. My mother confesses at this point. She explains at that time in the Roman Catholic Church women were to have their heads covered and, although we Presbyterians didn't believe that little girls should have tissue on their heads, we would respect the beliefs of others in their holy places.

When I watch the Toronto Blue Jays play baseball, I stand for the playing of the Canadian national anthem.

Despite these outward appearances, I am neither Catholic nor Canadian.

I was struck when the President spoke at Arlington National Cemetery on Memorial Day. He spoke of hallowed and sacred ground. We prayed together as a nation, and in the amphitheater there at Arlington, no one flew kites or rollerbladed during the ceremony.

I cry and leave offerings at the Vietnam Wall.

[At Devils Tower] ... The National Park Service stands accused of sponsoring, endorsing and promoting American Indian religion in violation of the Establishment Clause of the First Amendment. I argue that a gesture of respect costs us little and benefits us as a people—First People, most recent people, and Americans yet to come. I argue for reasonable accommodation. I argue for mutual respect.



The federal District Court of Wyoming upheld the voluntary closure. Mountain States Legal Foundation appealed to the Court of Appeals for the 10th District. The Appellate Court upheld the voluntary closure. In a last gasp attempt Mountains States appealed to the US Supreme Court. The Justices declined to review the case, content with the ruling of the lower court.

Author's Note: A virtual cottage industry of legal papers written regarding *Bear Lodge Multiple Use v. Babbitt* has proliferated in subsequent years as scholars, land managers and American Indian people wrestle with similar issues on public lands elsewhere in the West. The controversy regarding the name of the monument has yet to be resolved.